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SEP 11 2006

Serial No. 10/747,781
60130-1734; 02MRA364, 368REMARKS

Applicant thanks the examiner for the detailed remarks and analysis. Claims 7-11 and 16 have been withdrawn from consideration. Claims 1-6, 12-15 and 17-22 remain under consideration in this application.

Claims 1, 4-6, 8, 12-15 and 17-22 were rejected as being anticipated by Baumann (U.S. Application No. 2004/0245056). Claim 1 requires a brake pad pivotally mounted relative to a support and movable along the support between engaged and disengaged positions with the rotatable brake member.

Claim 14 requires the step of supporting a brake pad for pivoting movement relative to a support, wherein the support is pivotally supported at an angle relative to a rotatable brake member.

Claim 19 requires a brake pad including a friction element pivotally attached to a base that is movable along a support between an engaged and disengaged position with a rotatable member.

Bauman does not disclose these features. Baumann discloses only a guide (48) that guides movement of the brake pad toward a rotating brake element. No portion of the Baumann brake pad (40) is pivotally mounted relative to a support as is required by amended claim 1. Claims 1, 14 and 19 include features not disclosed or suggested by Baumann. Applicant requests reconsideration and withdrawal of the rejections in view of Baumann.

Claim 4 requires an adjustable member biasing the support toward the rotatable member. The office action reads the actuator (56, 54) as the biasing member. However, the Baumann actuator (56, 54) does not bias the support. Instead the actuator (54, 56) simply rotates the guide (48), read as the support. Rotation is not the same as biasing. Further, the claim requires biasing the support toward the rotatable member. The Baumann actuator (56, 54) does not work in such a manner. Instead, the Baumann actuator (56, 54) merely rotates. Accordingly, claim 4 cannot be anticipated by Baumann.

Claim 5 requires that the adjustable member comprise an compliant member. The office action states a dictionary definition of compliant member and that Baumann includes such features under this broad dictionary definition. As appreciated, the Examiner is entitled to broadly read claim limitations. However, that broad reading cannot be counter to the

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understanding of one skilled in the art. In this case, the Baumann actuator (54,56) is an electric motor with a gear, that engages a gear on the guide (48) (Figure 1, and Par. 18) Interactions between two meshing gears would not be considered "compliant" under any definition. For at least this reason, Baumann cannot anticipate the limitations of claim 5.

Claim 12 requires that the brake pad contacts an outer perimeter of the rotatable brake member. Baumann does not disclose or suggest this feature and therefore cannot anticipate claim 12.

Claims 2 and 3 were indicated as being allowable if rewritten in independent form. Applicant has rewritten claim 2 into independent form.

Accordingly, the claims are believed in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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Dated: September 11, 2006